



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA

October 20, 2017

George ("Pat") Brooks
US Department of the Navy
33000 Nixie Way, Bldg 50
San Diego, CA 92147

Dear Pat:

Thank you for providing for review the *Draft Radiological Data Evaluation Findings Report for Parcels B and G Soil* ("Report"), Former Hunter's Point Naval Shipyard, September 2017. I appreciate it represents a great deal of hard work in a short time by a credentialed team.

As you know, the Navy has found radiological contamination in portions of Parcel G, such as in the southeastern corner (associated with the buildings and peanut spill) and in the sewers along Cochrane Street due to previous testing during the Phase I through Phase V Radiological investigations/cleanups. The 2004 Historical Radiological Assessment (HRA) indicates that Cs-137 was found at high concentrations in sediment from a manhole along Cochrane Street.

To be able to concur on a Finding of Suitability for Transfer (FOST), EPA needs to evaluate the record to determine if it supports a conclusion that the ROD conditions have been met. The Parcel G Record of Decision (ROD)¹ states "Buildings, former building sites, and excavated areas will be surveyed after cleanup is completed to ensure that no residual radioactivity is present at levels above the remediation goals. Excavated soil, building materials, and drain material from radiologically impacted sites will be screened and radioactive sources and contaminated soil will be removed and disposed of at an off-site low-level radioactive waste facility." (Parcel G ROD, Section 2.9.2, p. 44) Though EPA has previously approved the Radiological *Final Removal Action Completion Report, Parcel G*,² CERCLA §121(c) Five Year Review process requires the Navy and regulatory agencies to review new information no less than every five years "to assure that human health and the environment are being protected" and if further "action is appropriate" for that purpose.

The Navy's internal quality control review discovered discrepancies in the soil samples in 2012 and required an investigation, resampling, and new excavations at that time. In February, 2016, the Nuclear Regulatory Commission (NRC) documented "failure by Tetra Tech to make or cause to be made, surveys that were reasonable to evaluate concentrations and potential radiological hazards of residual radioactivity in the soil at HPNS."³ Section 2.5 of the draft report under review lists examples of allegations by former workers of "soil data manipulation and

¹ *Final Record of Decision for Parcel G, Hunters Point Shipyard, San Francisco, California*, February 18, 2009

² *Radiological Final Removal Action Completion Report, Parcel G, Hunters Point Naval Shipyard, San Francisco, California* (December 2, 2011, DCN: ECSD-3211-0018-0179)

³ NRC Office of Investigations Report No. 1-2014-018 (<https://www.nrc.gov/docs/ML1604/ML16042A074.pdf>)

falsification.” Due to these and other new developments, the Navy has prepared this report as one step in its process “to assure that human health and the environment are being protected.”

The Navy has requested an expedited review of the Report. In response to the Navy’s request for updates on review progress in stages, EPA is providing the following interim draft review comments in advance of a full review:

1. Draft comments on the Report’s main text, based on EPA’s review of Parcel G Trench Unit forms and review of analysis from state regulators of the forms for fill and building site.
2. Spreadsheet for Parcel G showing, by Trench Unit, evidence of potential falsification and potential failure to document adequately that ROD requirements have been met.
3. Supplemental statistical analyses for individual trench units that support the conclusions from the review described in the spreadsheet

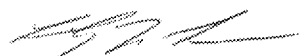
Please note that these reviews do not include a comprehensive analysis of allegations that may contain enforcement confidential information. Any such information does not appear to be likely to alter overall broad conclusions about Parcel G. These interim comments are based on our review of the Report contents, FRED data, associated supplemental statistical analyses, the Navy’s 2004 Historical Radiological Assessment, the 2016 NRC Notice of Apparent Violation, the 2017 NRC Petition, and other public documents.

EPA will deliver these other aspects of review of the Report soon:

1. Additional comments on the main text, based on reviews of the Parcel B forms and any further reflections.
2. Spreadsheet for Parcel B Trench Units
3. Supplemental statistical analyses for Parcel B

EPA is making every effort to include in our formal comments everything that we have already conveyed via email and all of the comments that our reviewers have on this report to date. That being said, if significant new information comes to light or significant new insights result from further reflection, EPA may supplement its comments at a later date. Please contact me at 415-947-4187 or lee.lily@epa.gov if you would like to discuss any of these draft comments.

Sincerely,



Lily Lee
Remedial Project Manager